

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMBER LEANN PARKER,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 15-CV-12558

HON. GEORGE CARAM STEEH

MAG. JUDGE STEPHANIE DAWKINS DAVIS

ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [DOC. 20]

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Amber Leann Parker's request for judicial review of defendant Commissioner of Social Security's ("Commissioner") decision denying her application for child's insurance benefits and supplemental security income. Magistrate Judge Dawkins Davis issued a report and recommendation recommending that plaintiff's motion for summary judgment be granted, defendant's motion for summary judgment be denied, the Commissioner's decision be reversed, and this matter be remanded to the Commissioner and the Administrative Law Judge pursuant to 42 U.S.C. § 405(g).

The court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have not been filed by either party and the time period for doing so has expired. The failure to file objections to a report and recommendation generally constitutes a waiver of the right to appeal the judgment of

the district court. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Alspaugh v. McConnell*, 643 F.3d 162, 166 (6th Cir. 2011). Accordingly,

IT IS HEREBY ORDERED that the court ACCEPTS and ADOPTS the magistrate judge's report and recommendation (Doc. 20).

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment (Doc. 14) is GRANTED and the Commissioner's motion for summary judgment (Doc. 17) is DENIED for the reasons set forth in the report and recommendation.

IT IS FURTHER ORDERED that the Commissioner's decision is REVERSED.

IT IS FURTHER ORDERED that this matter be remanded to the Commissioner pursuant to § 405(g) for further proceedings to obtain an updated opinion of a medical advisor on the issue of equivalency and plaintiff's residual functional capacity.

Dated: September 13, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 13, 2016, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk